| UNITED STATE STATES DISTRICT COURT |
|------------------------------------|
| SOUTHERN DISTRICT OF NEW YORK      |

|                            |             | X  |                                   |
|----------------------------|-------------|----|-----------------------------------|
| HEDGECO, LLC d/b/a HEDGECO | NETWORKS    | _) |                                   |
|                            | Plaintiff,  | )  | Case No. <b>08 CV 00494</b> (SHS) |
| -against-                  |             | )  |                                   |
| JEFFREY SCHNEIDER and      |             | )  |                                   |
| JARED TOREN,               | Defendants. | )  |                                   |
|                            |             | X  |                                   |

#### **CERTIFICATE OF SERVICE**

Please take notice that on the 24<sup>th</sup> day of March 2008, the undersigned attorney for the Plaintiff served a true copy of the document subpoenas to Jeffrey Schneider, Jared Toren and Onyx Global Advisors and the associated affidavits of service upon:

Eric Weinstein, Esq. Feldman Weinstein & Smith LLP 420 Lexington Avenue New York, New York 10170

By depositing a true copy of the foregoing in a properly addressed, stamped envelope in an official repository of United States Postal Service in the City and State of New York.

Dated: March 24, 2008 New York, NY

Andrew Small Esq. (AS-1294)

Law Office of Brian Reis, Esq.

**Attorney for the Plaintiff** 80 Broad Street 33<sup>rd</sup> Floor New York, NY 10004

Direct Dial 212.983.0921

Fax 212.646.1073

E-mail: ABSLawyer@comcast.net

SAO88 (Rev. 12/06) Subpoena in a Civil Case

### Issued by the

|  | UNITED STATE   | ES DISTRIC           | CT COUR           | T  |
|--|--|----------------------|-------------------|--|
| SOUTHERN   | DIS  | STRICT OF            | NEW YORK          |  |
| HEDGECO LLC d/b/a HE                               | DGECO NETWORKS   | SU                   | BPOENA IN         | A CIVIL CASE   |
| JEFFREY SCHNEIDER                                  | and JARED TOREN  | Cas                  | se Number:1       | 08 CV 00494 (SHS)  |
| TO: JEFFREY SCHNI<br>6836 Bee Caves<br>Texas 78746 | EIDER<br>Road Ste. 245 Austin  |                      |                   |  |
| ☐ YOU ARE COMMA<br>to testify in the abov          |  | States District co   | ourt at the place | e, date, and time specified below                                    |
| PLACE OF TESTIMONY                                 |  |                      |                   | COURTROOM  |
|  |  |                      |                   | DATE AND TIME  |
| ☐ YOU ARE COMMA in the above case.                 | NDED to appear at the place, da  | te, and time speci   | fied below to te  | stify at the taking of a deposition                                  |
| PLACE OF DEPOSITION                                |  |                      |                   | DATE AND TIME  |
|  | NDED to produce and permit in specified below (list documents  |                      | ying of the follo | wing documents or objects at the                                     |
|  | uested are set forth in List "A<br>ration for the Preliminary Inju   |                      |                   |  |
| PLACE Law Office of New York, NY                   | Andrew Small, Esq. 230 Park<br>′ 10169   | Avenue Ste. 25       | 525               | DATE AND TIME  March 17, 2008 at 10:00AM                             |
| ☐ YOU ARE COMMA                                    | NDED to permit inspection of   | he following pre     | mises at the da   | e and time specified below.  |
| PREMISES   |  |                      |                   | DATE AND TIME  |
| directors, or managing agen                        | narty to this suit that is subpoenaed<br>ts, or other persons who consent to<br>will testify. Federal Rules of Civil | testify on its behal | f, and may set fo | designate one or more officers, rth, for each person designated, the |
| ISSUING OFFICER'S SIGNATU                          | RE AND TITLE (INDICATE IF ATTORNI  | EY FOR PLAINTIFF O   | R DEFENDANT)      | DATE<br>March 11, 2008   |
| Andrew Small, Esq. (A                              | DDRESS AND PHONE NUMBER<br>IS-1294)<br>2525 New York, NY 10169 Tel   | . 212.983.0921       |                   |  |

<sup>(</sup>See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

<sup>&</sup>lt;sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/06) Subpoena in a Civil Case

PROOF OF SERVICE

REY ZHREIDER BY SERVING

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

#### **DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

7 / /

DATE

3-14-2008

SUZANNE COKER 700mmission expires SIGNATURE OF SHRWE

ADDRESS OF SERVER

AUSTINITY

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOGNAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing uodue hurden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost carnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commended to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compilance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce move at any time for an order to compet the production, inspection, copying, testing, or sampling. Such an order to competable protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, sobject to the provisions of clause (e)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii), requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoens

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpocha, quash or modify the subpocha or, if the party in whose behalf the subpocha is issued shows a substantial need for the testimony or material that cannot be otherwise met without undoe hardship and assures that the person to whom the subpocha is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the eategories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically slored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of ondue burden or cost. On motion to compet discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoem is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under scal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(c) CONTEMPT. Failure of any person without adequate excuse to obey a subpoent served upon that person may be deemed a contempt of the court from which the subpoent issued. An adequate cause for failure to obey exists when a subpoent purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

|   | AFFIDAVIT OF S   | ERVICE   |   |  |
|---|--|--|---|--|
| COUNTY:   | CASE # 08CV0049  |  |   | Clt.# 17463  |
| HEDGECO LLC D/B/A HEDGECO 1   | NETWORKS   | CIt  | . Ref.#   | C1C.# 1/463  |
| VS<br>JEFFREY SCHNEIDER AND JAREI   | ) TOREN  |  |   |  |
| The documents came to hand  | for service on 03  | /13/08 Ti  | me: 09:18:42  |  |
| Documents received for serv   | vice:  |  |   |  |
| SUBPOENA IN A CIVIL CASE WI   | TH LIST "A" ATTAC  | HED  |   |  |
| The documents were delivere   | ed on <b>03/13/08 Ti</b>   | me: 10:40:   | 00  |  |
| Executed at: 6836 Bee Caves<br>Austin, TX 787   |  |  |   |  |
| to the following: Schneider   |  | liams, Off   | ice Manager.  |  |
| PERSONALLY delivering SUBSTITUTE SERVICE pe over sixteen (16) yea place of abode/busine POSTING per Order by  | er Order by delive<br>ars of age, at the<br>ess of the above n   | ring to <u> </u>   | ted address wh  | nich is the usual  |
|   | AFFIDAVIT  |  |   |  |
| I, Floyd J Boudreaux party to nor interested in FACTS SET FORTH ABOVE. I h moral turpitude in any stat with TEXAS RULES OF CIVIL F CODE and all other applicab notices I am authorized by | the outcome of the nave never been content of the nave never been content of the nave of t | e above su<br>nvicted of<br>sdicition,<br>S TEXAS ST<br>utes relat | <pre>it. I HAVE PER   a felony or    and I have st ATUTES, CIVIL ing to service</pre> | nisdemeanor involving<br>cudied and am familiar<br>PRACTICE AND REMEDIES<br>e of citation and/or |
| Service Fee: 85.00  | E  | A STATE B  | Sugreaux  | discip   |
| Witness Fee Tendered:   | 00   |  | #: SCH-3506<br>nal Civil Proc   | ess Downtown   |
| Mileage:00  |  |  | Congress Ave.   |  |
| STATE OF TEXAS}   | VERIFICATION   | Austin TX  | 78704   |  |
| On this day Floyd J Boudrea<br>sworn by me stated that he/<br>foregoing affidavit and dec   | she has personal   | knowledge<br>cts contaj  | of the facts s<br>ned therein ar  | et forth in the<br>e true and  |

PCP Inv. #Z80300168 amyk

AX02Z80300168

NOTARY PUBLIC FOR THE STATE OF TEXAS



## Issued by the UNITED STATES DISTRICT COUR

| SOUTHERN UNITED ST  | ATES DIST  DISTRICT OF   | RICT COUI             |  |
|---|--------------------------|-----------------------|--|
| HEDGECO LLC d/b/a HEDGECO NETWORKS  V.  | District of              | SUBPOENA IN           | A CIVIL CASE   |
| JEFFREY SCHNEIDER and JARED TOREN   |                          | Case Number:1         | 08 CV 00494 (SHS)  |
| TO: JARED TOREN<br>6836 Bee Caves Road Ste. 245 Austin<br>Texas 78746   |                          |                       |  |
| ☐ YOU ARE COMMANDED to appear in the U to testify in the above case.  | Jnited States Distri     | ct court at the plac  | e, date, and time specified below                                    |
| PLACE OF TESTIMONY  |                          |                       | COURTROOM  |
|   |                          |                       | DATE AND TIME  |
| ☐ YOU ARE COMMANDED to appear at the platin the above case.   | ace, date, and time s    | pecified below to to  | estify at the taking of a deposition                                 |
| PLACE OF DEPOSITION   |                          |                       | DATE AND TIME  |
| YOU ARE COMMANDED to produce and per place, date, and time specified below (list docu   |                          | copying of the follo  | wing documents or objects at the                                     |
| The documents requested are set forth in L demanded in preparation for the Preliminar   |                          |                       |  |
| PLACE Law Office of Andrew Small, Esq. 230 New York, NY 10169   | 0 Park Avenue St         | e. 2525               | DATE AND TIME March 17, 2008 at 10:00AM                              |
| ☐ YOU ARE COMMANDED to permit inspection  | on of the following      | premises at the da    | te and time specified below.   |
| PREMISES  |                          |                       | DATE AND TIME  |
| Any organization not a party to this suit that is subpodirectors, or managing agents, or other persons who cons matters on which the person will testify. Federal Rules o | sent to testify on its b | ehalf, and may set fo | designate one or more officers, rth, for each person designated, the |
| ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF AT   | TORNEY FOR PLAINTI       | FF OR DEFENDANT)      | DATE<br>March 11, 2008   |
| issuing officer's name, address and phone number Andrew Small, Esq. (AS-1294) 230 Park Avenue Ste. 2525 New York, NY 1016   | i9 Tel. 212.983.09       | 21                    | <u> </u>   |

<sup>(</sup>See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

<sup>&#</sup>x27; If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 12/06) Subpoena in a Civil Case

| DDC | C  | OF | SERY | JICE   |
|-----|----|----|------|--------|
| PKU | ハル | UF | SER. | VIL.P. |

TAREN ISREN BY SERVING

SABAH 14/14/14/15 MANUSER /1/ PERS

FLAGIO J-BOUNDERDOX

SONV

SERVED BY (PRINT NAME)

**SERVED** 

SERVED ON (PRINT

ппе

#### **DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

3-13-08

SUZANNE COKER > COMMISSION EXPIBES August 30, 2011 SIGNATURE OF SERVER

ADDRESS OF SERVER

RESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronicsly stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection; copying, testing, or sampling may, within 14 days after service of the subpoens or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoens written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoens shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoens was issued. If objection has been made, the party serving the subpoens may, upon notice to the person commanded to produce, nove at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, cupying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts busines; in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

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to or affected by the subpoens, quasb or modify the subpoens or, if the party in whose behalf the subpoens is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoens is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under scal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

### 

#### AFFIDAVIT OF SERVICE

COUNTY: CASE # 08CV00494(SHS) COURT

Clt. Ref.#

Clt.# 17463

HEDGECO LLC D/B/A HEDGECO NETWORKS

VS

JEFFREY SCHNEIDER AND JARED TOREN

The documents came to hand for service on 03/13/08 Time: 09:18:42

Documents received for service:

SUBPOENA IN A CIVIL CASE WITH LIST "A" ATTACHED

The documents were delivered on 03/13/08 Time: 10:40:00

Executed at: 6836 Bee Caves Rd Ste #245

Austin, TX 78746

to the following: Toren, Jared

By Delivering To Sarah Williams, Office Manager.

| <u> </u> | PERSONALLY delivering the document(s) to the person above.              |             |
|----------|---|-------------|
|          | SUBSTITUTE SERVICE per Order by delivering to                           | a person    |
|          | over sixteen (16) years of age, at the above listed address which is th | e usual     |
|          | place of abode/business of the above named person.                      |             |
|          | POSTING per Order by securely affixing to the main entry way at the abo | ve address. |

#### AFFIDAVIT

| I, Floyd J Boudreaux                       | ,am over the age of eighteen, and am neither a    |
|--|---|
| party to nor interested in the outcome of  | the above suit. I HAVE PERSONAL KNOWLEDGE OF THE  |
| FACTS SET FORTH ABOVE. I have never been   | convicted of a felony or misdemeanor involving    |
| moral turpitude in any state OR federal ju | risdicition, and I have studied and am familiar   |
| with TEXAS RULES OF CIVIL PROCEDURE, VERNO | N'S TEXAS STATUTES, CIVIL PRACTICE AND REMEDIES   |
| CODE and all other applicable rules and st | atutes relating to service of citation and/or     |
| notices I am authorized by written order o | f the court to serve citations and other notices. |

Service Fee: 85.00

Witness Fee Tendered: .00

Mileage: .00

STATE OF TEXAS}

Floyd & Boudreaux

Texas LIC#: SCH-3506

Professional Civil Process Downtown

regreaded

510 South Congress Ave. Ste 207

Austin TX 78704

VERIFICATION

PCP Inv. #Z80300167 amvk

NOTARY PUBLIC FOR THE STATE OF TEXAS



SUZAMINĖ ODKER . MY OCIMENSULVI I APPLIES August 30, 2011 % AO88 (Rev. 12/06) Subpoena in a Civil Case

# Issued by the

| SOUTHERN   | TES DISTRICT COUR  DISTRICT OF NEW YO     | RK   |
|--|---|--|
| EDGECO LLC d/b/a HEDGECO NETWORKS  | <del></del> -                             | . COVIL CASE   |
|  | SUBPOENA IN                               | A CIVIL CASE   |
| V.   |   | 00 0V 00 40 4 (CUS)                                  |
| JEFFREY SCHNEIDER and JARED TOREN  | Case Number: <sup>1</sup>                 | 08 CV 00494 (SHS)                                    |
| TO: ONYX GLOBAL ADVISORS<br>6836 Bee Caves Road Ste. 245 Austin<br>Texas 78746   |   | if all halows  |
| ☐ YOU ARE COMMANDED to appear in the U to testify in the above case.   | Inited States District court at the place | ce, date, and time specified below                   |
| PLACE OF TESTIMONY   |   | COURTROOM  |
|  |   | DATE AND TIME  |
| ☐ YOU ARE COMMANDED to appear at the platin the above case.  PLACE OF DEPOSITION   | ace, date, and time specified below to    | testify at the taking of a deposition  DATE AND TIME |
| TO WOLLARE COMMANDED to produce and pe   | rmit inspection and copying of the fol    | llowing documents or objects at the                  |
| place, date, and time specified below (list doc The documents requested are set forth in demanded in preparation for the Prelimina | List "A" attached hereto and are          |  |
| PLACE Law Office of Andrew Small, Esq. 23 New York, NY 10169   |   | DATE AND TIME  March 17, 2008 at 10:00AN             |
| New York, NY 10169  ☐ YOU ARE COMMANDED to permit inspect  | tion of the following premises at the     | date and time specified below.                       |
| PREMISES   |   | DATE AND TIME  |
| Any organization not a party to this suit that is sub-   | s of Civil Procedure, 30(b)(6).           |  |
| matters on which the person will testify. Federal Rule   |   | T) DATE  |
| matters on which the person will testify. Federal Rule ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF                          | ATTORNEY FOR PLAINTIFF OR DEFENDAN        | March 11, 2008                                       |

230 Park Avenue Ste. 2525 New York, NY 10169 Tel. 2

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

<sup>&#</sup>x27; If action is pending in district other than district of issuance, state district under case number.

12/06) Subpoena in a Civil Case

#### PROOF OF SERVICE

SERVED SERVED SARAH WILLIAMS AWAGEN NO PERSON

SERVED ON (PRINT NAME)

MANNER OF SERVICE

FLOUD T-BAUDREAUX

SERVED BY (PRINT NAME)

FRIFR

#### **DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

SUZANNE COKER

BUZANNE COKER

BY COMMISSION EXPHES

August 30, 2011

GNATURE OF SERVE

ADDRESS OF SERVER

AUSTON, TX

#### Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

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(iii) requires disclosore of privileged or other protected matter and tto exception or waiver applies: or

(iv) subjects a person to undoe borden.

(B) If a subpocna

(i) requires disclosure of a trade secret or other confidential research, development, or continertial information, or

(ii) requires disclosure of an onretained expert's opinion or information not describing specific events or accorrences in dispute and resulting from the expert's smay made not at the request of any pany, or

(iii) requires a person who is not a party or an officer of a party to incer substantial expense to travel more than 100 miles to attend trial, the coort may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party itt whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise niet without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

td) Disties in Responding to Subpoena.

11) (A) A person responding to a sobpoena to prodoce documents shall produce them as they are kept in the osual course of business or shall organize and label them to correspond with the categories in the demand

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena most produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information to more than one form

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of ondue burden or cost. On notice to compel discovery or to quash, the person front whom discovery is sooght mitst show that the information sought is not reasonably accessible because of undue hurden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The coort may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the natore of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not ose or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under scal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who prodoced the information most preserve the information until the claim is resolved.

(e) CONTLIMPT. Failure of any person without adequate excess to obey a subpoent served upon that person may be decored a contempt of the court from which the subpoent issued. An adequate cause for failure to obey exists when a subpoent putports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

#### AFFIDAVIT OF SERVICE

COUNTY: SOUTHERN DIST CASE # 08CV00494(SHS) COURT

Clt. Ref.#

Clt.# 17463

HEDGECO LLC D/B/A HEDGECO NETWORKS

VS

JEFFREY SCHNEIDER AND JARED TOREN

The documents came to hand for service on 03/13/08 Time: 09:18:42

Documents received for service:

SUBPOENA IN A CIVIL CASE WITH LIST "A" ATTACHED

The documents were delivered on 03/13/08 Time: 10:40:00

Executed at: 6836 Bee Caves Rd Ste #245

Austin, TX 78746

to the following: Onyx Global Advisors

By Serving Anyone Authorized To Accept

By Delivering To Sarah Williams, Office Manager.

| W | PERSONALLY delivering the document(s) to the person above.  |               |
|---|---|---------------|
|   | SUBSTITUTE SERVICE per Order by delivering to   | a person      |
|   | over sixteen (16) years of age, at the above listed address which is place of abode/business of the above named person. | the usual     |
|   | POSTING per Order by securely affixing to the main entry way at the al  | bove address. |

#### AFFIDAVIT

, am over the age of eighteen, and am neither a I, Floyd J Boudreaux party to nor interested in the outcome of the above suit. I HAVE PERSONAL KNOWLEDGE OF THE FACTS SET FORTH ABOVE. I have never been convicted of a felony or misdemeanor involving moral turpitude in any state OR federal jurisdicition, and I have studied and am familiar with TEXAS RULES OF CIVIL PROCEDURE, VERNON'S TEXAS STATUTES, CIVIL PRACTICE AND REMEDIES CODE and all other applicable rules and statutes relating to service of citation and/or notices I am authorized by written order of the court to serve citations and other notices.

Service Fee: 85.00

Witness Fee Tendered: .00

Mileage: .00

STATE OF TEXAS}

Floyd o Boudreaux

Texas LIC#: SCH-3506

Professional Civil Process Downtown

510 South Congress Ave. Ste 207

Austin TX 78704

VERIFICATION

On this day Floyd J Boudreaux appeared before me, a notary public, and being duly sworn by me stated that he/she has personal knowledge of the facts set forth in the foregoing affidavit and declared that the facts contained therein are true and 

PCP Inv. #Z80300166 ashleyb

My CON - $\hat{\mu}_{\mathbf{K}}(0)$  .:  $^{\prime}$